

Local Form 1

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

September 2021

In re: ) Bankruptcy No. 23-40082  
)  
ROBBINS SERVICE GROUP, LLC, ) Chapter 7  
d/b/a Whispering Pines Landscaping, )  
)  
Debtor(s). )

**NOTICE OF TRUSTEE'S MOTION FOR AUTHORITY TO SEGREGATE  
PRESUMPTIVE CASH COLLATERAL BY DEPOSITING INTO A SEPARATE  
ESTATE ACCOUNT AND NOTICE OF HEARING  
(Hearing Scheduled)**

**TAKE NOTICE** that the Trustee has filed a Motion for Authority to Segregate Presumptive Cash Collateral by Depositing into a Separate Estate Account. A copy is included with this notice or copied on the reverse side of this notice.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

TAKE FURTHER NOTICE that a hearing on the motion will be held on **November 27, 2023, at 9:30 AM** at the U.S. Bankruptcy Court, Courtroom 2B, 401 W. Trade Street, Charlotte, NC 28202. Any response, including any objection, to the relief requested should be filed with the Clerk, United States Bankruptcy Court for the Western District of North Carolina, 401 W. Trade Street, Suite 2500, Charlotte, NC 28202. Any response should clearly identify the specific motion to which the response is directed and should comply with Local Rule 9013(1). A copy of any response should be served upon the following:

Heather W. Culp, 1701 South Boulevard, Charlotte, NC 28203 (fax: 704-372-1357)

U.S. Bankruptcy Administrator, 401 W. Trade Street, Suite 2400, Charlotte, NC 28202-1669 (fax: 704-344-6666)

TAKE FURTHER NOTICE that the Court may grant the relief requested at the hearing. No further notice will be given.

November 6, 2023.

/s/Heather W. Culp

Heather W. Culp  
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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

In re: ) Bankruptcy No. 23-40082  
)  
ROBBINS SERVICE GROUP, LLC, ) Chapter 7  
d/b/a Whispering Pines Landscaping, )  
)  
Debtor(s). )

**TRUSTEE'S MOTION FOR AUTHORITY TO SEGREGATE PRESUMPTIVE CASH  
COLLATERAL BY DEPOSITING INTO A SEPARATE ESTATE ACCOUNT**

Heather W. Culp, Chapter 7 Trustee ("Movant"), through the undersigned counsel, moves for authority to segregate presumptive cash collateral by opening a second estate account and depositing the proceeds to that account until further order from the Court, stating in support as follows:

1. The Debtor filed a voluntary Chapter 11 Subchapter V petition on May 15, 2023, which was subsequently converted to Chapter 7 on October 26, 2023, and Movant was appointed Chapter 7 Trustee. The initial Chapter 7 meeting of creditors is scheduled to take place on November 29, 2023.

2. United Community Bank filed a proof of claim (Claim 23-1) claiming a blanket lien on the Debtor's personal property and attaching a security agreement and a financing statement filed with the North Carolina Secretary of State purporting to encumber the Debtor's assets including accounts receivable, general intangibles, and the proceeds of them. Movant requires additional time to determine the perfection, priority, and extent of liens.

3. Movant has received several checks in payment of the Debtor's accounts receivable and expects to obtain additional such payments. Further, Movant is in the process of liquidating and closing the debtor-in-possession bank accounts.

4. In April 2020, Movant's trustee software provider began charging monthly bank and technology fees to estate bank accounts. These fees will continue to be charged until the earlier of a rise in interest rates or the filing of a final report.

5. To avoid a monthly bank and technology fee to be charged against what is likely a creditor's cash collateral, Movant desires authority to open a second estate account for the sole purpose of depositing and thus segregating the funds on deposit with First Citizens Bank, proceeds of accounts receivable, and other presumptive cash collateral. In addition, Movant requests that the segregated funds be exempt from bank and technology fees until there is a determination of whether the funds are property of the estate. For avoidance of doubt, Movant requests that the proposed segregation be without prejudice to any party in interest's rights, claims, and defenses.

WHEREFORE, Movant requests that this Court issue an order authorizing her to segregate presumptive cash collateral by opening a second estate account and depositing the proceeds to it until further order of the Court; that bank and technology fees be waived until determination is made as to perfection, priority, and extent of liens; and for such other and further relief as may be just and proper.

November 6, 2023.

/s/Heather W. Culp

Heather W. Culp

NC Bar No. 30386

Chapter 7 Trustee/Attorney for Trustee

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2023, I electronically filed the foregoing **NOTICE OF TRUSTEE'S MOTION FOR AUTHORITY TO SEGREGATE CASH COLLATERAL BY DEPOSITING INTO A SEPARATE ESTATE ACCOUNT AND NOTICE OF HEARING** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the registered parties, including:

Shelley K. Abel, U.S. Bankruptcy Administrator  
William L. Esser IV, Attorney for United Community Bank  
Ashley Oldfield, Attorney for the Debtor  
Matthew L. Tomsic, Attorney for the Debtor

I further certify that the foregoing was served on the parties listed below by mailing a copy of the same in an envelope addressed to each party with proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Postal Service on November 6, 2023.

All on the attached matrix.

/s/Heather W. Culp  
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Label Matrix for local noticing  
0419-3  
Case 23-40082  
Western District of North Carolina  
Charlotte  
Mon Nov 6 12:27:57 EST 2023

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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End of Label Matrix  
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